

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 OES-07 NSC-05 DODE-00 NASA-01  
SP-02 PM-05 IO-13 DOE-15 ACDA-12 CIAE-00 INR-10  
NSAE-00 SOE-02 SS-15 NRC-05 CEQ-01 TRSE-00 OMB-01  
EB-08 H-01 PA-01 USIA-06 /126 W  
-----103941 240326Z /75

R 231521Z MAR 78  
FM AMEMBASSY OTTAWA  
TO SECSTATE WASHDC 6761

C O N F I D E N T I A L OTTAWA 01445

E.O. 11652: GDS  
TAGS: TSPA  
SUBJECT: LEGAL ASPECTS OF COSMOS 954: COSTS OF U.S.  
ASSISTANCE TO CANADA

FOR OES/APT/SA

REF: STATE 061119

1. THE USG POSITION GIVEN IN REFTEL WAS CONVEYED TO  
EXTAFF ON 10 MARCH 1978. FOLLOWING IS THE REPLY  
RECEIVED BY THE EMBASSY FROM ERIK B. WANG, DIRECTOR OF  
LEGAL OPERATIONS DIVISION OF EXTAFF, ON 21 MARCH:

"I WOULD LIKE TO TAKE THIS OPPORTUNITY TO REITERATE OUR  
APPRECIATION FOR THE INVALUABLE ASSISTANCE WHICH THE  
U.S. GOVERNMENT RENDERED TO CANADA DURING THE EARLY  
STAGES OF THE SEARCH AND RECOVERY OPERATIONS. THE EARLY  
OFFER OF ASSISTANCE BY THE U.S. PRESIDENT - WITHIN AN  
HOUR OF THE RE-ENTRY OF THE SOVIET SATELLITE - WAS MUCH  
APPRECIATED AND THE SUPPORT OF U.S. PERSONNEL AND EQUIP-  
MENT GREATLY FACILITATED OUR OWN EFFORTS TO LOCATE  
HAZARDOUS RADIOACTIVE DEBRIS AND ENSURE THAT ANY RISK  
TO PERSONS OR THE ENVIRONMENT WAS REDUCED TO A MINIMUM.  
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"I CAN CONFIRM THAT IT IS THE INTENTION OF CANADA TO  
SEEK COMPENSATION FROM THE SOVIET UNION FOR COSTS  
ARISING FROM THE SEARCH AND RECOVERY OPERATIONS. I  
ATTACH FOR YOUR INFORMATION A COPY OF OUR NOTE OF  
FEBRUARY 28 TO THE SOVIET EMBASSY INFORMING THE SOVIET  
AUTHORITIES OF OUR INTENTION. THE TEXT OF THIS NOTE WAS

TABLED BY MR. JAMIESON IN THE HOUSE ON MARCH 3.

"WE NOTE THE VIEW OF YOUR AUTHORITIES THAT THE EXTENT TO WHICH A CANADIAN CLAIM MAY INCLUDE COSTS RELATED TO THE ASSISTANCE PROVIDED BY THE UNITED STATES IS A MATTER WITHIN THE DISCRETION OF THE GOVERNMENT OF CANADA. NO DECISION HAS BEEN MADE AS TO WHETHER OUR CLAIM AGAINST THE SOVIET UNION SHOULD INCLUDE COSTS RELATED TO UNITED STATES ASSISTANCE OR WHETHER THERE WOULD BE A BASIS FOR SUCH A CLAIM. WE ARE CURRENTLY IN THE PROCESS OF REVIEWING VARIOUS CATEGORIES OF COSTS INCURRED BY CANADA IN PREPARATION OF THE SUBMISSION OF A CLAIM TO THE SOVIET UNION. IT MAY BE SOME TIME BEFORE A DEFINITIVE STATEMENT OF CLAIM CAN BE PRESENTED, TAKING INTO ACCOUNT THAT THE SEARCH OPERATIONS ARE LIKELY TO CONTINUE THROUGH THE SUMMER MONTHS. WE ARE, HOWEVER, THINKING OF SUBMITTING AN INTERIM CLAIM WITHIN THE NEXT FEW MONTHS, RESERVING OUR POSITION AS TO FURTHER DAMAGES, INCLUDING SUBSEQUENT SEARCH AND CLEAN-UP COSTS.

"IN PREPARING FOR SUBMISSION OF SUCH A CLAIM, WE WOULD WISH TO TAKE FULLY INTO ACCOUNT U.S. VIEWS IN RESPECT OF COSTS OF U.S. ASSISTANCE.

"IN VIEW OF THE VARIOUS LEGAL ASPECTS OF THIS MATTER I BELIEVE IT WOULD BE USEFUL FOR US TO CONSULT ON THIS  
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MATTER. I WOULD PROPOSE THAT OFFICIALS OF OUR TWO GOVERNMENTS, INCLUDING LEGAL EXPERTS, ARRANGE TO MEET IN THE NEAR FUTURE IN OTTAWA OR IN WASHINGTON TO EXCHANGE VIEWS ON THE QUESTION OF U.S. COSTS. FOR OUR OWN BACKGROUND INFORMATION IT WOULD BE HELPFUL AT THAT TIME TO HAVE INFORMATION ON COSTS INCURRED BY THE U.S. GOVERNMENT AS WELL AS YOUR VIEWS ON THE POSSIBLE BASIS OF A CANADIAN CLAIM FOR SUCH COSTS.

"UNTIL WE HAVE HAD AN OPPORTUNITY TO EXCHANGE VIEWS ON THIS MATTER, I BELIEVE IT WOULD BE IMPORTANT FOR OUR TWO GOVERNMENTS TO AVOID MAKING PUBLIC STATEMENTS."

2. TEXT OF THE 28 FEBRUARY GOC NOTE TO THE SOVIET EMBASSY IS BEING POUCHED TO THE DEPARTMENT.  
ENDERS

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COSTS, TECHNICAL ASSISTANCE, COSMOS 954  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 23 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
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**Review Markings:**  
Sheryl P. Walter  
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US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014